

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REISSUE PATENT APPLICATION TRANSMITTAL

10/627553  
07/24/03

Address to:

Assistant Commissioner for Patents  
Box Reissue  
Washington, DC 20231

Attorney Docket No.	044RE1
First Named Inventor	Anthony Ross
Original Patent Number	6,264,659
Original Patent Issue Date (Month/Day/Year)	07/24/2001
Express Mail Label No.	ER310992374 US

APPLICATION FOR REISSUE OF:  Utility Patent  Design Patent  Plant Patent  
(Check applicable box)

## APPLICATION ELEMENTS (37 CFR 1.173)

- Fee Transmittal Form (PTO/ SB/ 56)  
(Submit an original, and a duplicate for fee processing)
- Applicant claims small entity status. See 37 CFR 1.27.
- Specification and Claims in double column copy of patent format (amended, if appropriate)
- Drawing(s) (proposed amendments, if appropriate)
- Reissue Oath/Declaration (original or copy)  
(37 C.F.R. § 1.175) (PTO/SB/51 or 52)
- Power of Attorney
- Original U.S. Patent currently assigned?  Yes  No  
(If Yes, check applicable box(es))
  - Written Consent of all Assignees (PTO/SB/53)
  - 37 C.F.R. § 3.73(b) Statement  
(PTO/SB/96)
- CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
- Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all of the following are necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i  CD-ROM (2 copies) or CD-R (2 copies); or
    - ii  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).
- Original U.S. Patent for surrender
- Ribboned Original Patent Grant
- Statement of Loss (PTO/SB/55)
- Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
- Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
- English Translation of Reissue Oath/Declaration (if applicable)
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- Other: \_\_\_\_\_

## 18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label **30,328** or  Correspondence address below  
(Insert Customer No. or Attach bar code label here)

Name	Jonathan Spangler		
Address	NuVasive, Inc. 10065 Old Grove Road		
City	San Diego	State	CA
Country	US	Telephone	858-243-0029

NAME (Print/Type)	Sean F. Parmenter	Registration No. (Attorney/Agent)	53,437
Signature			Date
			07/24/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REISSUE APPLICATION FEE TRANSMITTAL FORM

Docket Number (Optional)  
044RE1

## Claims as Filed - Part 1

Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity	
				Rate	Fee	Rate	Fee
(A) 22	Total Claims (37 CFR 1.16(j))	(B) 24	**** 2 =	x \$9 =	18.00	or	x \$ =
(C) 3	Independent claims (37 CFR 1.16(i))	(D) 5	* 2 =	x \$42 =	84.00		x \$ =
							\$ =
				Basic Fee (37 CFR 1.16(h))	\$375.00		
				Total Filing Fee	\$477.00	OR	\$

## Claims as Amended - Part 2

	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	* =	x \$ =		x \$ =	
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	x \$ =		x \$ =	
					Total Additional Fee	\$	OR	\$

\* If the entry in (D) is less than the entry in (C), Write "0" in column 3.

\*\* If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.

\*\*\* After any cancellation of claims.

\*\*\*\* If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).

\*\*\*\*\* "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

Applicant claims small entity status. See 37 CFR 1.27.

Please charge Deposit Account No. 50-2040 in the amount of 477.00. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 50-2040. A duplicate copy of this sheet is enclosed.

A check in the amount of \$ \_\_\_\_\_ to cover the filing / additional fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

07/24/2003

Date



Signature of Applicant, Attorney or Agent of Record

Sean F. Parmenter

Reg. 53437

Typed or printed name

UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO. : 6,264,659 B1  
DATED : July 24, 2001  
INVENTOR(S) : Ross et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10.

Line 10, change "thermoplastic material and" to -- of thermoplastic material and --

Signed and Sealed this

Nineteenth Day of March, 2002

Attest:



Attesting Officer

JAMES E. ROGAN  
Director of the United States Patent and Trademark Office

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Reissue Application No.: Not Assigned ) Atty. Docket No.: 044RE1  
 )  
 Filed: December 8, 1999 ) Examiner: Not Assigned  
 )  
 Patent No.: 6,264,659 ) Art Unit: Not Assigned  
 )  
 Granted: July 24, 2001 )  
 )  
 Patentees: Anthony C. Ross )  
 Peter A. Guagliano )  
 )  
 For: Method of Treating and )  
 Intervertebral Disk )

---

**OFFER TO SURRENDER THE ORIGINAL PATENT (37 C.F.R. § 1.178)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Box Reissue

Dear Sir:

The Applicants hereby offer to surrender the original patent prior to allowance of the subject reissue application.

Respectfully submitted,



Date: July 24, 2003

Sean F. Parmenter  
USPTO Registration No. 53,437

Registered Patent Agent  
NuVasive, Inc.  
10065 Old Grove Road  
San Diego, CA 92131  
Tel. 858-243-0029  
Fax 858-271-7101